

**IN THE UNITED STATES DISTRICT COURT
OF SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

SAFECO INSURANCE COMPANY OF AMERICA

PLAINTIFF

V.

CIVIL ACTION NO.: 4:08-CV-106-TSL-LRA

CLAUDE EVINS A/K/A CLAUDE EVANS

DEFENDANT

**AGREED ORDER OF DISMISSAL WITH PREJUDICE
AND PAYMENT OF FUNDS DEPOSITED WITH COURT**

THIS CAUSE came before this court on the joint motion *ore tenus*, of the parties that all claims as between the Plaintiff and Defendant, including all counterclaims, have been fully and finally resolved. Furthermore, the funds deposited with the court by Plaintiff, Safeco Insurance Company of America, at the time of the filing of this declaratory judgment action are to be paid to Safeco Insurance Company of America, in care of their attorney, David M. Ott, P.O. Box 18109, Hattiesburg, Mississippi 39404. Both Plaintiff and Defendant are in full agreement with the dismissal of this action with full prejudice including all claims and counterclaims of the parties and payment of the deposited funds to Safeco Insurance Company of America.

IT IS THEREFORE ORDERED that the Clerk of this Court shall cause the funds deposited with the Court along with all accrued interest to be paid to Safeco Insurance Company of America and the check to be mailed to counsel for Safeco Insurance Company of America, David M. Ott at P.O. Box 18109, Hattiesburg, Mississippi 39404. It is further ordered that this cause be dismissed with full prejudice, each party to bear their own fees, expenses and costs of court.

ORDERED, this the 9th day of December, 2009.

/s/Tom S. Lee

United States District Court Judge

Approved and Agreed:

/s/David M. Ott

David M. Ott, Esq.

Attorney for Plaintiff

Safeco Insurance Company of America

/s/Charles W. Wright, Jr.

Charles W. Wright, Jr., Esq.

Attorney for Defendant

Mr. Claude Evins